



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5734

Introduced 2/16/2012, by Rep. Robert W. Pritchard

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3	
730 ILCS 5/5-4-1	from Ch. 38, par. 1005-4-1
730 ILCS 150/2	from Ch. 38, par. 222
730 ILCS 150/3-6 new	

Amends the Criminal Code of 1961. Provides that a person whose duty to register as a sex offender has been terminated by court order under the Sex Offender Registration Act is not considered a child sex offender for purposes of restrictions on residing or being present in certain areas and facilities imposed on child sex offenders. Amends the Unified Code of Corrections and the Sex Offender Registration Act. Provides that a person is not a sex offender under the Sex Offender Registration Act if the person has been convicted of criminal sexual abuse or sexual exploitation of a child and: (1) the defendant was not more than 4 years older than the victim at the time of the offense; (2) the victim was at least 14 years of age at the time of the offense; and (3) the conviction is based on the ages of the defendant and the victim at the time of the offense and was not based on any element of force or coercion. Establishes procedures for termination of the duty to register under the Sex Offender Registration Act of a person so described who was convicted of those offenses before the effective date of the amendatory Act.

LRB097 18797 RLC 64034 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 11-9.3 as follows:

6 (720 ILCS 5/11-9.3)

7 Sec. 11-9.3. Presence within school zone by child sex  
8 offenders prohibited; approaching, contacting, residing with,  
9 or communicating with a child within certain places by child  
10 sex offenders prohibited.

11 (a) It is unlawful for a child sex offender to knowingly be  
12 present in any school building, on real property comprising any  
13 school, or in any conveyance owned, leased, or contracted by a  
14 school to transport students to or from school or a school  
15 related activity when persons under the age of 18 are present  
16 in the building, on the grounds or in the conveyance, unless  
17 the offender is a parent or guardian of a student attending the  
18 school and the parent or guardian is: (i) attending a  
19 conference at the school with school personnel to discuss the  
20 progress of his or her child academically or socially, (ii)  
21 participating in child review conferences in which evaluation  
22 and placement decisions may be made with respect to his or her  
23 child regarding special education services, or (iii) attending

1 conferences to discuss other student issues concerning his or  
2 her child such as retention and promotion and notifies the  
3 principal of the school of his or her presence at the school or  
4 unless the offender has permission to be present from the  
5 superintendent or the school board or in the case of a private  
6 school from the principal. In the case of a public school, if  
7 permission is granted, the superintendent or school board  
8 president must inform the principal of the school where the sex  
9 offender will be present. Notification includes the nature of  
10 the sex offender's visit and the hours in which the sex  
11 offender will be present in the school. The sex offender is  
12 responsible for notifying the principal's office when he or she  
13 arrives on school property and when he or she departs from  
14 school property. If the sex offender is to be present in the  
15 vicinity of children, the sex offender has the duty to remain  
16 under the direct supervision of a school official.

17 (a-5) It is unlawful for a child sex offender to knowingly  
18 be present within 100 feet of a site posted as a pick-up or  
19 discharge stop for a conveyance owned, leased, or contracted by  
20 a school to transport students to or from school or a school  
21 related activity when one or more persons under the age of 18  
22 are present at the site.

23 (a-10) It is unlawful for a child sex offender to knowingly  
24 be present in any public park building or on real property  
25 comprising any public park when persons under the age of 18 are  
26 present in the building or on the grounds and to approach,

1 contact, or communicate with a child under 18 years of age,  
2 unless the offender is a parent or guardian of a person under  
3 18 years of age present in the building or on the grounds.

4 (b) It is unlawful for a child sex offender to knowingly  
5 loiter within 500 feet of a school building or real property  
6 comprising any school while persons under the age of 18 are  
7 present in the building or on the grounds, unless the offender  
8 is a parent or guardian of a student attending the school and  
9 the parent or guardian is: (i) attending a conference at the  
10 school with school personnel to discuss the progress of his or  
11 her child academically or socially, (ii) participating in child  
12 review conferences in which evaluation and placement decisions  
13 may be made with respect to his or her child regarding special  
14 education services, or (iii) attending conferences to discuss  
15 other student issues concerning his or her child such as  
16 retention and promotion and notifies the principal of the  
17 school of his or her presence at the school or has permission  
18 to be present from the superintendent or the school board or in  
19 the case of a private school from the principal. In the case of  
20 a public school, if permission is granted, the superintendent  
21 or school board president must inform the principal of the  
22 school where the sex offender will be present. Notification  
23 includes the nature of the sex offender's visit and the hours  
24 in which the sex offender will be present in the school. The  
25 sex offender is responsible for notifying the principal's  
26 office when he or she arrives on school property and when he or

1 she departs from school property. If the sex offender is to be  
2 present in the vicinity of children, the sex offender has the  
3 duty to remain under the direct supervision of a school  
4 official.

5 (b-2) It is unlawful for a child sex offender to knowingly  
6 loiter on a public way within 500 feet of a public park  
7 building or real property comprising any public park while  
8 persons under the age of 18 are present in the building or on  
9 the grounds and to approach, contact, or communicate with a  
10 child under 18 years of age, unless the offender is a parent or  
11 guardian of a person under 18 years of age present in the  
12 building or on the grounds.

13 (b-5) It is unlawful for a child sex offender to knowingly  
14 reside within 500 feet of a school building or the real  
15 property comprising any school that persons under the age of 18  
16 attend. Nothing in this subsection (b-5) prohibits a child sex  
17 offender from residing within 500 feet of a school building or  
18 the real property comprising any school that persons under 18  
19 attend if the property is owned by the child sex offender and  
20 was purchased before the effective date of this amendatory Act  
21 of the 91st General Assembly.

22 (b-10) It is unlawful for a child sex offender to knowingly  
23 reside within 500 feet of a playground, child care institution,  
24 day care center, part day child care facility, day care home,  
25 group day care home, or a facility providing programs or  
26 services exclusively directed toward persons under 18 years of

1 age. Nothing in this subsection (b-10) prohibits a child sex  
2 offender from residing within 500 feet of a playground or a  
3 facility providing programs or services exclusively directed  
4 toward persons under 18 years of age if the property is owned  
5 by the child sex offender and was purchased before July 7,  
6 2000. Nothing in this subsection (b-10) prohibits a child sex  
7 offender from residing within 500 feet of a child care  
8 institution, day care center, or part day child care facility  
9 if the property is owned by the child sex offender and was  
10 purchased before June 26, 2006. Nothing in this subsection  
11 (b-10) prohibits a child sex offender from residing within 500  
12 feet of a day care home or group day care home if the property  
13 is owned by the child sex offender and was purchased before  
14 August 14, 2008 (the effective date of Public Act 95-821).

15 (b-15) It is unlawful for a child sex offender to knowingly  
16 reside within 500 feet of the victim of the sex offense.  
17 Nothing in this subsection (b-15) prohibits a child sex  
18 offender from residing within 500 feet of the victim if the  
19 property in which the child sex offender resides is owned by  
20 the child sex offender and was purchased before August 22,  
21 2002.

22 This subsection (b-15) does not apply if the victim of the  
23 sex offense is 21 years of age or older.

24 (b-20) It is unlawful for a child sex offender to knowingly  
25 communicate, other than for a lawful purpose under Illinois  
26 law, using the Internet or any other digital media, with a

1 person under 18 years of age or with a person whom he or she  
2 believes to be a person under 18 years of age, unless the  
3 offender is a parent or guardian of the person under 18 years  
4 of age.

5 (c) It is unlawful for a child sex offender to knowingly  
6 operate, manage, be employed by, volunteer at, be associated  
7 with, or knowingly be present at any: (i) facility providing  
8 programs or services exclusively directed toward persons under  
9 the age of 18; (ii) day care center; (iii) part day child care  
10 facility; (iv) child care institution; (v) school providing  
11 before and after school programs for children under 18 years of  
12 age; (vi) day care home; or (vii) group day care home. This  
13 does not prohibit a child sex offender from owning the real  
14 property upon which the programs or services are offered or  
15 upon which the day care center, part day child care facility,  
16 child care institution, or school providing before and after  
17 school programs for children under 18 years of age is located,  
18 provided the child sex offender refrains from being present on  
19 the premises for the hours during which: (1) the programs or  
20 services are being offered or (2) the day care center, part day  
21 child care facility, child care institution, or school  
22 providing before and after school programs for children under  
23 18 years of age, day care home, or group day care home is  
24 operated.

25 (c-5) It is unlawful for a child sex offender to knowingly  
26 operate, manage, be employed by, or be associated with any

1 county fair when persons under the age of 18 are present.

2 (c-6) It is unlawful for a child sex offender who owns and  
3 resides at residential real estate to knowingly rent any  
4 residential unit within the same building in which he or she  
5 resides to a person who is the parent or guardian of a child or  
6 children under 18 years of age. This subsection shall apply  
7 only to leases or other rental arrangements entered into after  
8 January 1, 2009 (the effective date of Public Act 95-820).

9 (c-7) It is unlawful for a child sex offender to knowingly  
10 offer or provide any programs or services to persons under 18  
11 years of age in his or her residence or the residence of  
12 another or in any facility for the purpose of offering or  
13 providing such programs or services, whether such programs or  
14 services are offered or provided by contract, agreement,  
15 arrangement, or on a volunteer basis.

16 (c-8) It is unlawful for a child sex offender to knowingly  
17 operate, whether authorized to do so or not, any of the  
18 following vehicles: (1) a vehicle which is specifically  
19 designed, constructed or modified and equipped to be used for  
20 the retail sale of food or beverages, including but not limited  
21 to an ice cream truck; (2) an authorized emergency vehicle; or  
22 (3) a rescue vehicle.

23 (d) Definitions. In this Section:

24 (1) "Child sex offender" means any person who:

25 (i) has been charged under Illinois law, or any  
26 substantially similar federal law or law of another

1 state, with a sex offense set forth in paragraph (2) of  
2 this subsection (d) or the attempt to commit an  
3 included sex offense, and:

4 (A) is convicted of such offense or an attempt  
5 to commit such offense; or

6 (B) is found not guilty by reason of insanity  
7 of such offense or an attempt to commit such  
8 offense; or

9 (C) is found not guilty by reason of insanity  
10 pursuant to subsection (c) of Section 104-25 of the  
11 Code of Criminal Procedure of 1963 of such offense  
12 or an attempt to commit such offense; or

13 (D) is the subject of a finding not resulting  
14 in an acquittal at a hearing conducted pursuant to  
15 subsection (a) of Section 104-25 of the Code of  
16 Criminal Procedure of 1963 for the alleged  
17 commission or attempted commission of such  
18 offense; or

19 (E) is found not guilty by reason of insanity  
20 following a hearing conducted pursuant to a  
21 federal law or the law of another state  
22 substantially similar to subsection (c) of Section  
23 104-25 of the Code of Criminal Procedure of 1963 of  
24 such offense or of the attempted commission of such  
25 offense; or

26 (F) is the subject of a finding not resulting

1 in an acquittal at a hearing conducted pursuant to  
2 a federal law or the law of another state  
3 substantially similar to subsection (a) of Section  
4 104-25 of the Code of Criminal Procedure of 1963  
5 for the alleged violation or attempted commission  
6 of such offense; or

7 (ii) is certified as a sexually dangerous person  
8 pursuant to the Illinois Sexually Dangerous Persons  
9 Act, or any substantially similar federal law or the  
10 law of another state, when any conduct giving rise to  
11 such certification is committed or attempted against a  
12 person less than 18 years of age; or

13 (iii) is subject to the provisions of Section 2 of  
14 the Interstate Agreements on Sexually Dangerous  
15 Persons Act.

16 Convictions that result from or are connected with the  
17 same act, or result from offenses committed at the same  
18 time, shall be counted for the purpose of this Section as  
19 one conviction. Any conviction set aside pursuant to law is  
20 not a conviction for purposes of this Section.

21 "Child sex offender" does not include a person whose  
22 duty to register has been terminated under Section 3-6 of  
23 the Sex Offender Registration Act.

24 (2) Except as otherwise provided in paragraph (2.5),  
25 "sex offense" means:

26 (i) A violation of any of the following Sections of

1 the Criminal Code of 1961: 10-7 (aiding or abetting  
2 child abduction under Section 10-5(b)(10)),  
3 10-5(b)(10) (child luring), 11-1.40 (predatory  
4 criminal sexual assault of a child), 11-6 (indecent  
5 solicitation of a child), 11-6.5 (indecent  
6 solicitation of an adult), 11-9.1 (sexual exploitation  
7 of a child), 11-14.4 (promoting juvenile  
8 prostitution), 11-18.1 (patronizing a juvenile  
9 prostitute), 11-20.1 (child pornography), 11-20.1B  
10 (aggravated child pornography), 11-21 (harmful  
11 material), 12-33 (ritualized abuse of a child), 11-20  
12 (obscenity) (when that offense was committed in any  
13 school, on real property comprising any school, in any  
14 conveyance owned, leased, or contracted by a school to  
15 transport students to or from school or a school  
16 related activity, or in a public park), 11-30 (public  
17 indecency) (when committed in a school, on real  
18 property comprising a school, in any conveyance owned,  
19 leased, or contracted by a school to transport students  
20 to or from school or a school related activity, or in a  
21 public park). An attempt to commit any of these  
22 offenses.

23 (ii) A violation of any of the following Sections  
24 of the Criminal Code of 1961, when the victim is a  
25 person under 18 years of age: 11-1.20 (criminal sexual  
26 assault), 11-1.30 (aggravated criminal sexual

1 assault), 11-1.50 (criminal sexual abuse), 11-1.60  
2 (aggravated criminal sexual abuse). An attempt to  
3 commit any of these offenses.

4 (iii) A violation of any of the following Sections  
5 of the Criminal Code of 1961, when the victim is a  
6 person under 18 years of age and the defendant is not a  
7 parent of the victim:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

13 (iv) A violation of any former law of this State  
14 substantially equivalent to any offense listed in  
15 clause (2) (i) of subsection (d) of this Section.

16 (2.5) For the purposes of subsections (b-5) and (b-10)  
17 only, a sex offense means:

18 (i) A violation of any of the following Sections of  
19 the Criminal Code of 1961:

20 10-5(b)(10) (child luring), 10-7 (aiding or  
21 abetting child abduction under Section 10-5(b)(10)),

22 11-1.40 (predatory criminal sexual assault of a  
23 child), 11-6 (indecent solicitation of a child),

24 11-6.5 (indecent solicitation of an adult), 11-14.4

25 (promoting juvenile prostitution), 11-18.1

26 (patronizing a juvenile prostitute), 11-20.1 (child

1 pornography), 11-20.1B (aggravated child pornography),  
2 or 12-33 (ritualized abuse of a child). An attempt to  
3 commit any of these offenses.

4 (ii) A violation of any of the following Sections  
5 of the Criminal Code of 1961, when the victim is a  
6 person under 18 years of age: 11-1.20 (criminal sexual  
7 assault), 11-1.30 (aggravated criminal sexual  
8 assault), 11-1.60 (aggravated criminal sexual abuse),  
9 and subsection (a) of Section 11-1.50 (criminal sexual  
10 abuse). An attempt to commit any of these offenses.

11 (iii) A violation of any of the following Sections  
12 of the Criminal Code of 1961, when the victim is a  
13 person under 18 years of age and the defendant is not a  
14 parent of the victim:

15 10-1 (kidnapping),

16 10-2 (aggravated kidnapping),

17 10-3 (unlawful restraint),

18 10-3.1 (aggravated unlawful restraint).

19 An attempt to commit any of these offenses.

20 (iv) A violation of any former law of this State  
21 substantially equivalent to any offense listed in this  
22 paragraph (2.5) of this subsection.

23 (3) A conviction for an offense of federal law or the  
24 law of another state that is substantially equivalent to  
25 any offense listed in paragraph (2) of subsection (d) of  
26 this Section shall constitute a conviction for the purpose

1 of this Section. A finding or adjudication as a sexually  
2 dangerous person under any federal law or law of another  
3 state that is substantially equivalent to the Sexually  
4 Dangerous Persons Act shall constitute an adjudication for  
5 the purposes of this Section.

6 (4) "Authorized emergency vehicle", "rescue vehicle",  
7 and "vehicle" have the meanings ascribed to them in  
8 Sections 1-105, 1-171.8 and 1-217, respectively, of the  
9 Illinois Vehicle Code.

10 (5) "Child care institution" has the meaning ascribed  
11 to it in Section 2.06 of the Child Care Act of 1969.

12 (6) "Day care center" has the meaning ascribed to it in  
13 Section 2.09 of the Child Care Act of 1969.

14 (7) "Day care home" has the meaning ascribed to it in  
15 Section 2.18 of the Child Care Act of 1969.

16 (8) "Facility providing programs or services directed  
17 towards persons under the age of 18" means any facility  
18 providing programs or services exclusively directed  
19 towards persons under the age of 18.

20 (9) "Group day care home" has the meaning ascribed to  
21 it in Section 2.20 of the Child Care Act of 1969.

22 (10) "Internet" has the meaning set forth in Section  
23 16J-5 of this Code.

24 (11) "Loiter" means:

25 (i) Standing, sitting idly, whether or not the  
26 person is in a vehicle, or remaining in or around

1 school or public park property.

2 (ii) Standing, sitting idly, whether or not the  
3 person is in a vehicle, or remaining in or around  
4 school or public park property, for the purpose of  
5 committing or attempting to commit a sex offense.

6 (iii) Entering or remaining in a building in or  
7 around school property, other than the offender's  
8 residence.

9 (12) "Part day child care facility" has the meaning  
10 ascribed to it in Section 2.10 of the Child Care Act of  
11 1969.

12 (13) "Playground" means a piece of land owned or  
13 controlled by a unit of local government that is designated  
14 by the unit of local government for use solely or primarily  
15 for children's recreation.

16 (14) "Public park" includes a park, forest preserve, or  
17 conservation area under the jurisdiction of the State or a  
18 unit of local government.

19 (15) "School" means a public or private preschool or  
20 elementary or secondary school.

21 (16) "School official" means the principal, a teacher,  
22 or any other certified employee of the school, the  
23 superintendent of schools or a member of the school board.

24 (e) For the purposes of this Section, the 500 feet distance  
25 shall be measured from: (1) the edge of the property of the  
26 school building or the real property comprising the school that

1 is closest to the edge of the property of the child sex  
2 offender's residence or where he or she is loitering, and (2)  
3 the edge of the property comprising the public park building or  
4 the real property comprising the public park, playground, child  
5 care institution, day care center, part day child care  
6 facility, or facility providing programs or services  
7 exclusively directed toward persons under 18 years of age, or a  
8 victim of the sex offense who is under 21 years of age, to the  
9 edge of the child sex offender's place of residence or place  
10 where he or she is loitering.

11 (f) Sentence. A person who violates this Section is guilty  
12 of a Class 4 felony.

13 (Source: P.A. 95-331, eff. 8-21-07; 95-440, eff. 8-27-07;  
14 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff. 8-21-08;  
15 96-328, eff. 8-11-09; 96-710, eff. 1-1-10; 96-1551, eff.  
16 7-1-11.)

17 Section 10. The Unified Code of Corrections is amended by  
18 changing Section 5-4-1 as follows:

19 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

20 Sec. 5-4-1. Sentencing Hearing.

21 (a) Except when the death penalty is sought under hearing  
22 procedures otherwise specified, after a determination of  
23 guilt, a hearing shall be held to impose the sentence. However,  
24 prior to the imposition of sentence on an individual being

1 sentenced for an offense based upon a charge for a violation of  
2 Section 11-501 of the Illinois Vehicle Code or a similar  
3 provision of a local ordinance, the individual must undergo a  
4 professional evaluation to determine if an alcohol or other  
5 drug abuse problem exists and the extent of such a problem.  
6 Programs conducting these evaluations shall be licensed by the  
7 Department of Human Services. However, if the individual is not  
8 a resident of Illinois, the court may, in its discretion,  
9 accept an evaluation from a program in the state of such  
10 individual's residence. The court may in its sentencing order  
11 approve an eligible defendant for placement in a Department of  
12 Corrections impact incarceration program as provided in  
13 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing  
14 order recommend a defendant for placement in a Department of  
15 Corrections substance abuse treatment program as provided in  
16 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
17 upon the defendant being accepted in a program by the  
18 Department of Corrections. At the hearing the court shall:

19 (1) consider the evidence, if any, received upon the  
20 trial;

21 (2) consider any presentence reports;

22 (3) consider the financial impact of incarceration  
23 based on the financial impact statement filed with the  
24 clerk of the court by the Department of Corrections;

25 (4) consider evidence and information offered by the  
26 parties in aggravation and mitigation;

1           (4.5) consider substance abuse treatment, eligibility  
2 screening, and an assessment, if any, of the defendant by  
3 an agent designated by the State of Illinois to provide  
4 assessment services for the Illinois courts;

5           (5) hear arguments as to sentencing alternatives;

6           (6) afford the defendant the opportunity to make a  
7 statement in his own behalf;

8           (7) afford the victim of a violent crime or a violation  
9 of Section 11-501 of the Illinois Vehicle Code, or a  
10 similar provision of a local ordinance, or a qualified  
11 individual affected by: (i) a violation of Section 405,  
12 405.1, 405.2, or 407 of the Illinois Controlled Substances  
13 Act or a violation of Section 55 or Section 65 of the  
14 Methamphetamine Control and Community Protection Act, or  
15 (ii) a Class 4 felony violation of Section 11-14, 11-14.3  
16 except as described in subdivisions (a)(2)(A) and  
17 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the  
18 Criminal Code of 1961, committed by the defendant the  
19 opportunity to make a statement concerning the impact on  
20 the victim and to offer evidence in aggravation or  
21 mitigation; provided that the statement and evidence  
22 offered in aggravation or mitigation must first be prepared  
23 in writing in conjunction with the State's Attorney before  
24 it may be presented orally at the hearing. Any sworn  
25 testimony offered by the victim is subject to the  
26 defendant's right to cross-examine. All statements and

1 evidence offered under this paragraph (7) shall become part  
2 of the record of the court. For the purpose of this  
3 paragraph (7), "qualified individual" means any person who  
4 (i) lived or worked within the territorial jurisdiction  
5 where the offense took place when the offense took place;  
6 and (ii) is familiar with various public places within the  
7 territorial jurisdiction where the offense took place when  
8 the offense took place. For the purposes of this paragraph  
9 (7), "qualified individual" includes any peace officer, or  
10 any member of any duly organized State, county, or  
11 municipal peace unit assigned to the territorial  
12 jurisdiction where the offense took place when the offense  
13 took place;

14 (8) in cases of reckless homicide afford the victim's  
15 spouse, guardians, parents or other immediate family  
16 members an opportunity to make oral statements;

17 (9) in cases involving a felony sex offense as defined  
18 under the Sex Offender Management Board Act, consider the  
19 results of the sex offender evaluation conducted pursuant  
20 to Section 5-3-2 of this Act; and

21 (10) make a finding of whether a motor vehicle was used  
22 in the commission of the offense for which the defendant is  
23 being sentenced.

24 (b) All sentences shall be imposed by the judge based upon  
25 his independent assessment of the elements specified above and  
26 any agreement as to sentence reached by the parties. The judge

1 who presided at the trial or the judge who accepted the plea of  
2 guilty shall impose the sentence unless he is no longer sitting  
3 as a judge in that court. Where the judge does not impose  
4 sentence at the same time on all defendants who are convicted  
5 as a result of being involved in the same offense, the  
6 defendant or the State's Attorney may advise the sentencing  
7 court of the disposition of any other defendants who have been  
8 sentenced.

9 (c) In imposing a sentence for a violent crime or for an  
10 offense of operating or being in physical control of a vehicle  
11 while under the influence of alcohol, any other drug or any  
12 combination thereof, or a similar provision of a local  
13 ordinance, when such offense resulted in the personal injury to  
14 someone other than the defendant, the trial judge shall specify  
15 on the record the particular evidence, information, factors in  
16 mitigation and aggravation or other reasons that led to his  
17 sentencing determination. The full verbatim record of the  
18 sentencing hearing shall be filed with the clerk of the court  
19 and shall be a public record.

20 (c-1) In imposing a sentence for the offense of aggravated  
21 kidnapping for ransom, home invasion, armed robbery,  
22 aggravated vehicular hijacking, aggravated discharge of a  
23 firearm, or armed violence with a category I weapon or category  
24 II weapon, the trial judge shall make a finding as to whether  
25 the conduct leading to conviction for the offense resulted in  
26 great bodily harm to a victim, and shall enter that finding and

1 the basis for that finding in the record.

2 (c-2) If the defendant is sentenced to prison, other than  
3 when a sentence of natural life imprisonment or a sentence of  
4 death is imposed, at the time the sentence is imposed the judge  
5 shall state on the record in open court the approximate period  
6 of time the defendant will serve in custody according to the  
7 then current statutory rules and regulations for early release  
8 found in Section 3-6-3 and other related provisions of this  
9 Code. This statement is intended solely to inform the public,  
10 has no legal effect on the defendant's actual release, and may  
11 not be relied on by the defendant on appeal.

12 The judge's statement, to be given after pronouncing the  
13 sentence, other than when the sentence is imposed for one of  
14 the offenses enumerated in paragraph (a) (3) of Section 3-6-3,  
15 shall include the following:

16 "The purpose of this statement is to inform the public of  
17 the actual period of time this defendant is likely to spend in  
18 prison as a result of this sentence. The actual period of  
19 prison time served is determined by the statutes of Illinois as  
20 applied to this sentence by the Illinois Department of  
21 Corrections and the Illinois Prisoner Review Board. In this  
22 case, assuming the defendant receives all of his or her good  
23 conduct credit, the period of estimated actual custody is ...  
24 years and ... months, less up to 180 days additional good  
25 conduct credit for meritorious service. If the defendant,  
26 because of his or her own misconduct or failure to comply with

1 the institutional regulations, does not receive those credits,  
2 the actual time served in prison will be longer. The defendant  
3 may also receive an additional one-half day good conduct credit  
4 for each day of participation in vocational, industry,  
5 substance abuse, and educational programs as provided for by  
6 Illinois statute."

7 When the sentence is imposed for one of the offenses  
8 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
9 when the sentence is imposed for one of the offenses enumerated  
10 in paragraph (a)(2) of Section 3-6-3 committed on or after June  
11 19, 1998, and other than when the sentence is imposed for  
12 reckless homicide as defined in subsection (e) of Section 9-3  
13 of the Criminal Code of 1961 if the offense was committed on or  
14 after January 1, 1999, and other than when the sentence is  
15 imposed for aggravated arson if the offense was committed on or  
16 after July 27, 2001 (the effective date of Public Act 92-176),  
17 and other than when the sentence is imposed for aggravated  
18 driving under the influence of alcohol, other drug or drugs, or  
19 intoxicating compound or compounds, or any combination thereof  
20 as defined in subparagraph (C) of paragraph (1) of subsection  
21 (d) of Section 11-501 of the Illinois Vehicle Code committed on  
22 or after January 1, 2011 (the effective date of Public Act  
23 96-1230), the judge's statement, to be given after pronouncing  
24 the sentence, shall include the following:

25 "The purpose of this statement is to inform the public of  
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of  
2 prison time served is determined by the statutes of Illinois as  
3 applied to this sentence by the Illinois Department of  
4 Corrections and the Illinois Prisoner Review Board. In this  
5 case, assuming the defendant receives all of his or her good  
6 conduct credit, the period of estimated actual custody is ...  
7 years and ... months, less up to 90 days additional good  
8 conduct credit for meritorious service. If the defendant,  
9 because of his or her own misconduct or failure to comply with  
10 the institutional regulations, does not receive those credits,  
11 the actual time served in prison will be longer. The defendant  
12 may also receive an additional one-half day good conduct credit  
13 for each day of participation in vocational, industry,  
14 substance abuse, and educational programs as provided for by  
15 Illinois statute."

16 When the sentence is imposed for one of the offenses  
17 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
18 first degree murder, and the offense was committed on or after  
19 June 19, 1998, and when the sentence is imposed for reckless  
20 homicide as defined in subsection (e) of Section 9-3 of the  
21 Criminal Code of 1961 if the offense was committed on or after  
22 January 1, 1999, and when the sentence is imposed for  
23 aggravated driving under the influence of alcohol, other drug  
24 or drugs, or intoxicating compound or compounds, or any  
25 combination thereof as defined in subparagraph (F) of paragraph  
26 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle

1 Code, and when the sentence is imposed for aggravated arson if  
2 the offense was committed on or after July 27, 2001 (the  
3 effective date of Public Act 92-176), and when the sentence is  
4 imposed for aggravated driving under the influence of alcohol,  
5 other drug or drugs, or intoxicating compound or compounds, or  
6 any combination thereof as defined in subparagraph (C) of  
7 paragraph (1) of subsection (d) of Section 11-501 of the  
8 Illinois Vehicle Code committed on or after January 1, 2011  
9 (the effective date of Public Act 96-1230), the judge's  
10 statement, to be given after pronouncing the sentence, shall  
11 include the following:

12 "The purpose of this statement is to inform the public of  
13 the actual period of time this defendant is likely to spend in  
14 prison as a result of this sentence. The actual period of  
15 prison time served is determined by the statutes of Illinois as  
16 applied to this sentence by the Illinois Department of  
17 Corrections and the Illinois Prisoner Review Board. In this  
18 case, the defendant is entitled to no more than 4 1/2 days of  
19 good conduct credit for each month of his or her sentence of  
20 imprisonment. Therefore, this defendant will serve at least 85%  
21 of his or her sentence. Assuming the defendant receives 4 1/2  
22 days credit for each month of his or her sentence, the period  
23 of estimated actual custody is ... years and ... months. If the  
24 defendant, because of his or her own misconduct or failure to  
25 comply with the institutional regulations receives lesser  
26 credit, the actual time served in prison will be longer."

1           When a sentence of imprisonment is imposed for first degree  
2 murder and the offense was committed on or after June 19, 1998,  
3 the judge's statement, to be given after pronouncing the  
4 sentence, shall include the following:

5           "The purpose of this statement is to inform the public of  
6 the actual period of time this defendant is likely to spend in  
7 prison as a result of this sentence. The actual period of  
8 prison time served is determined by the statutes of Illinois as  
9 applied to this sentence by the Illinois Department of  
10 Corrections and the Illinois Prisoner Review Board. In this  
11 case, the defendant is not entitled to good conduct credit.  
12 Therefore, this defendant will serve 100% of his or her  
13 sentence."

14           When the sentencing order recommends placement in a  
15 substance abuse program for any offense that results in  
16 incarceration in a Department of Corrections facility and the  
17 crime was committed on or after September 1, 2003 (the  
18 effective date of Public Act 93-354), the judge's statement, in  
19 addition to any other judge's statement required under this  
20 Section, to be given after pronouncing the sentence, shall  
21 include the following:

22           "The purpose of this statement is to inform the public of  
23 the actual period of time this defendant is likely to spend in  
24 prison as a result of this sentence. The actual period of  
25 prison time served is determined by the statutes of Illinois as  
26 applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this  
2 case, the defendant shall receive no good conduct credit under  
3 clause (3) of subsection (a) of Section 3-6-3 until he or she  
4 participates in and completes a substance abuse treatment  
5 program or receives a waiver from the Director of Corrections  
6 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

7 (c-4) Before the sentencing hearing and as part of the  
8 presentence investigation under Section 5-3-1, the court shall  
9 inquire of the defendant whether the defendant is currently  
10 serving in or is a veteran of the Armed Forces of the United  
11 States. If the defendant is currently serving in the Armed  
12 Forces of the United States or is a veteran of the Armed Forces  
13 of the United States and has been diagnosed as having a mental  
14 illness by a qualified psychiatrist or clinical psychologist or  
15 physician, the court may:

16 (1) order that the officer preparing the presentence  
17 report consult with the United States Department of  
18 Veterans Affairs, Illinois Department of Veterans'  
19 Affairs, or another agency or person with suitable  
20 knowledge or experience for the purpose of providing the  
21 court with information regarding treatment options  
22 available to the defendant, including federal, State, and  
23 local programming; and

24 (2) consider the treatment recommendations of any  
25 diagnosing or treating mental health professionals  
26 together with the treatment options available to the

1 defendant in imposing sentence.

2 For the purposes of this subsection (c-4), "qualified  
3 psychiatrist" means a reputable physician licensed in Illinois  
4 to practice medicine in all its branches, who has specialized  
5 in the diagnosis and treatment of mental and nervous disorders  
6 for a period of not less than 5 years.

7 (c-6) In imposing a sentence, the trial judge shall  
8 specify, on the record, the particular evidence and other  
9 reasons which led to his or her determination that a motor  
10 vehicle was used in the commission of the offense.

11 (d) When the defendant is committed to the Department of  
12 Corrections, the State's Attorney shall and counsel for the  
13 defendant may file a statement with the clerk of the court to  
14 be transmitted to the department, agency or institution to  
15 which the defendant is committed to furnish such department,  
16 agency or institution with the facts and circumstances of the  
17 offense for which the person was committed together with all  
18 other factual information accessible to them in regard to the  
19 person prior to his commitment relative to his habits,  
20 associates, disposition and reputation and any other facts and  
21 circumstances which may aid such department, agency or  
22 institution during its custody of such person. The clerk shall  
23 within 10 days after receiving any such statements transmit a  
24 copy to such department, agency or institution and a copy to  
25 the other party, provided, however, that this shall not be  
26 cause for delay in conveying the person to the department,

1 agency or institution to which he has been committed.

2 (e) The clerk of the court shall transmit to the  
3 department, agency or institution, if any, to which the  
4 defendant is committed, the following:

5 (1) the sentence imposed;

6 (2) any statement by the court of the basis for  
7 imposing the sentence;

8 (3) any presentence reports;

9 (3.5) any sex offender evaluations;

10 (3.6) any substance abuse treatment eligibility  
11 screening and assessment of the defendant by an agent  
12 designated by the State of Illinois to provide assessment  
13 services for the Illinois courts;

14 (4) the number of days, if any, which the defendant has  
15 been in custody and for which he is entitled to credit  
16 against the sentence, which information shall be provided  
17 to the clerk by the sheriff;

18 (4.1) any finding of great bodily harm made by the  
19 court with respect to an offense enumerated in subsection  
20 (c-1);

21 (5) all statements filed under subsection (d) of this  
22 Section;

23 (6) any medical or mental health records or summaries  
24 of the defendant;

25 (7) the municipality where the arrest of the offender  
26 or the commission of the offense has occurred, where such

1 municipality has a population of more than 25,000 persons;

2 (8) all statements made and evidence offered under  
3 paragraph (7) of subsection (a) of this Section; and

4 (9) all additional matters which the court directs the  
5 clerk to transmit.

6 (f) In cases in which the court finds that a motor vehicle  
7 was used in the commission of the offense for which the  
8 defendant is being sentenced, the clerk of the court shall,  
9 within 5 days thereafter, forward a report of such conviction  
10 to the Secretary of State.

11 (g) On or after the effective date of this amendatory Act  
12 of the 97th General Assembly, during the sentencing hearing for  
13 a violation of Section 11-9.1 or Section 11-1.50 of the  
14 Criminal Code of 1961, the court shall make an affirmative  
15 finding of fact and enter the affirmative finding in the  
16 judgment in the case if the court determines that:

17 (1) the defendant was not more than 4 years older than  
18 the victim at the time of the offense;

19 (2) the victim was at least 14 years of age at the time  
20 of the offense; and

21 (3) the conviction is based on the ages of the  
22 defendant and the victim at the time of the offense and was  
23 not based on any element of force or coercion.

24 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10;  
25 96-1180, eff. 1-1-11; 96-1230, eff. 1-1-11; 96-1551, eff.  
26 7-1-11; 97-333, eff. 8-12-11.)

1 Section 15. The Sex Offender Registration Act is amended by  
2 changing Section 2 and adding Section 3-6 as follows:

3 (730 ILCS 150/2) (from Ch. 38, par. 222)

4 Sec. 2. Definitions.

5 (A) As used in this Article, "sex offender" means any  
6 person who is:

7 (1) charged pursuant to Illinois law, or any  
8 substantially similar federal, Uniform Code of Military  
9 Justice, sister state, or foreign country law, with a sex  
10 offense set forth in subsection (B) of this Section or the  
11 attempt to commit an included sex offense, and:

12 (a) is convicted of such offense or an attempt to  
13 commit such offense; or

14 (b) is found not guilty by reason of insanity of  
15 such offense or an attempt to commit such offense; or

16 (c) is found not guilty by reason of insanity  
17 pursuant to Section 104-25(c) of the Code of Criminal  
18 Procedure of 1963 of such offense or an attempt to  
19 commit such offense; or

20 (d) is the subject of a finding not resulting in an  
21 acquittal at a hearing conducted pursuant to Section  
22 104-25(a) of the Code of Criminal Procedure of 1963 for  
23 the alleged commission or attempted commission of such  
24 offense; or

1 (e) is found not guilty by reason of insanity  
2 following a hearing conducted pursuant to a federal,  
3 Uniform Code of Military Justice, sister state, or  
4 foreign country law substantially similar to Section  
5 104-25(c) of the Code of Criminal Procedure of 1963 of  
6 such offense or of the attempted commission of such  
7 offense; or

8 (f) is the subject of a finding not resulting in an  
9 acquittal at a hearing conducted pursuant to a federal,  
10 Uniform Code of Military Justice, sister state, or  
11 foreign country law substantially similar to Section  
12 104-25(a) of the Code of Criminal Procedure of 1963 for  
13 the alleged violation or attempted commission of such  
14 offense; or

15 (2) certified as a sexually dangerous person pursuant  
16 to the Illinois Sexually Dangerous Persons Act, or any  
17 substantially similar federal, Uniform Code of Military  
18 Justice, sister state, or foreign country law; or

19 (3) subject to the provisions of Section 2 of the  
20 Interstate Agreements on Sexually Dangerous Persons Act;  
21 or

22 (4) found to be a sexually violent person pursuant to  
23 the Sexually Violent Persons Commitment Act or any  
24 substantially similar federal, Uniform Code of Military  
25 Justice, sister state, or foreign country law; or

26 (5) adjudicated a juvenile delinquent as the result of

1 committing or attempting to commit an act which, if  
2 committed by an adult, would constitute any of the offenses  
3 specified in item (B), (C), or (C-5) of this Section or a  
4 violation of any substantially similar federal, Uniform  
5 Code of Military Justice, sister state, or foreign country  
6 law, or found guilty under Article V of the Juvenile Court  
7 Act of 1987 of committing or attempting to commit an act  
8 which, if committed by an adult, would constitute any of  
9 the offenses specified in item (B), (C), or (C-5) of this  
10 Section or a violation of any substantially similar  
11 federal, Uniform Code of Military Justice, sister state, or  
12 foreign country law.

13 Convictions that result from or are connected with the same  
14 act, or result from offenses committed at the same time, shall  
15 be counted for the purpose of this Article as one conviction.  
16 Any conviction set aside pursuant to law is not a conviction  
17 for purposes of this Article.

18 For purposes of this Section, "convicted" shall have the  
19 same meaning as "adjudicated".

20 (B) As used in this Article, "sex offense" means:

21 (1) A violation of any of the following Sections of the  
22 Criminal Code of 1961:

23 11-20.1 (child pornography),

24 11-20.1B or 11-20.3 (aggravated child  
25 pornography),

26 11-6 (indecent solicitation of a child),

1                   ~~11-9.1 (sexual exploitation of a child),~~  
2                   11-9.2 (custodial sexual misconduct),  
3                   11-9.5 (sexual misconduct with a person with a  
4                   disability),  
5                   11-14.4 (promoting juvenile prostitution),  
6                   11-15.1 (soliciting for a juvenile prostitute),  
7                   11-18.1 (patronizing a juvenile prostitute),  
8                   11-17.1 (keeping a place of juvenile  
9                   prostitution),  
10                  11-19.1 (juvenile pimping),  
11                  11-19.2 (exploitation of a child),  
12                  11-25 (grooming),  
13                  11-26 (traveling to meet a minor),  
14                  11-1.20 or 12-13 (criminal sexual assault),  
15                  11-1.30 or 12-14 (aggravated criminal sexual  
16                  assault),  
17                  11-1.40 or 12-14.1 (predatory criminal sexual  
18                  assault of a child),  
19                  ~~11-1.50 or 12-15 (criminal sexual abuse),~~  
20                  11-1.60 or 12-16 (aggravated criminal sexual  
21                  abuse),  
22                  12-33 (ritualized abuse of a child).

23                  An attempt to commit any of these offenses.

24                  (1.1) A violation of subsection (a) of Section 11-1.50  
25                  or subsection (a) of Section 12-15 of the Criminal Code of  
26                  1961 (criminal sexual abuse when the act of sexual conduct

1 was by the use of force or threat of force or the offender  
2 knew that the victim was unable to understand the nature of  
3 the act or was unable to give knowing consent).

4 (1.2) A violation of subsection (b) or (c) of Section  
5 11-1.50 or subsection (b) or (c) of Section 12-15 of the  
6 Criminal Code of 1961 unless each of these factors is  
7 present:

8 (i) the defendant was not more than 4 years older  
9 than the victim at the time of the offense;

10 (ii) the victim was at least 14 years of age at the  
11 time of the offense; and

12 (iii) the conviction is based on the ages of the  
13 defendant and the victim at the time of the offense and  
14 was not based on an element of force or coercion.

15 (1.3) A violation of Section 11-9.1 of the Criminal  
16 Code of 1961 (sexual exploitation of a child) unless each  
17 of these factors is present:

18 (i) the defendant was not more than 4 years older  
19 than the victim at the time of the offense;

20 (ii) the victim was at least 14 years of age at the  
21 time of the offense; and

22 (iii) the conviction is based on the ages of the  
23 defendant and the victim at the time of the offense and  
24 was not based on an element of force or coercion.

25  
26 (1.5) A violation of any of the following Sections of

1 the Criminal Code of 1961, when the victim is a person  
2 under 18 years of age, the defendant is not a parent of the  
3 victim, the offense was sexually motivated as defined in  
4 Section 10 of the Sex Offender Management Board Act, and  
5 the offense was committed on or after January 1, 1996:

6 10-1 (kidnapping),

7 10-2 (aggravated kidnapping),

8 10-3 (unlawful restraint),

9 10-3.1 (aggravated unlawful restraint).

10 If the offense was committed before January 1, 1996, it  
11 is a sex offense requiring registration only when the  
12 person is convicted of any felony after July 1, 2011, and  
13 paragraph (2.1) of subsection (c) of Section 3 of this Act  
14 applies.

15 (1.6) First degree murder under Section 9-1 of the  
16 Criminal Code of 1961, provided the offense was sexually  
17 motivated as defined in Section 10 of the Sex Offender  
18 Management Board Act.

19 (1.7) (Blank).

20 (1.8) A violation or attempted violation of Section  
21 11-11 (sexual relations within families) of the Criminal  
22 Code of 1961, and the offense was committed on or after  
23 June 1, 1997. If the offense was committed before June 1,  
24 1997, it is a sex offense requiring registration only when  
25 the person is convicted of any felony after July 1, 2011,  
26 and paragraph (2.1) of subsection (c) of Section 3 of this

1 Act applies.

2 (1.9) Child abduction under paragraph (10) of  
3 subsection (b) of Section 10-5 of the Criminal Code of 1961  
4 committed by luring or attempting to lure a child under the  
5 age of 16 into a motor vehicle, building, house trailer, or  
6 dwelling place without the consent of the parent or lawful  
7 custodian of the child for other than a lawful purpose and  
8 the offense was committed on or after January 1, 1998,  
9 provided the offense was sexually motivated as defined in  
10 Section 10 of the Sex Offender Management Board Act. If the  
11 offense was committed before January 1, 1998, it is a sex  
12 offense requiring registration only when the person is  
13 convicted of any felony after July 1, 2011, and paragraph  
14 (2.1) of subsection (c) of Section 3 of this Act applies.

15 (1.10) A violation or attempted violation of any of the  
16 following Sections of the Criminal Code of 1961 when the  
17 offense was committed on or after July 1, 1999:

18 10-4 (forcible detention, if the victim is under 18  
19 years of age), provided the offense was sexually  
20 motivated as defined in Section 10 of the Sex Offender  
21 Management Board Act,

22 11-6.5 (indecent solicitation of an adult),

23 11-14.3 that involves soliciting for a prostitute,  
24 or 11-15 (soliciting for a prostitute, if the victim is  
25 under 18 years of age),

26 subdivision (a) (2) (A) or (a) (2) (B) of Section

1 11-14.3, or Section 11-16 (pandering, if the victim is  
2 under 18 years of age),

3 11-18 (patronizing a prostitute, if the victim is  
4 under 18 years of age),

5 subdivision (a)(2)(C) of Section 11-14.3, or  
6 Section 11-19 (pimping, if the victim is under 18 years  
7 of age).

8 If the offense was committed before July 1, 1999, it is  
9 a sex offense requiring registration only when the person  
10 is convicted of any felony after July 1, 2011, and  
11 paragraph (2.1) of subsection (c) of Section 3 of this Act  
12 applies.

13 (1.11) A violation or attempted violation of any of the  
14 following Sections of the Criminal Code of 1961 when the  
15 offense was committed on or after August 22, 2002:

16 11-9 or 11-30 (public indecency for a third or  
17 subsequent conviction).

18 If the third or subsequent conviction was imposed  
19 before August 22, 2002, it is a sex offense requiring  
20 registration only when the person is convicted of any  
21 felony after July 1, 2011, and paragraph (2.1) of  
22 subsection (c) of Section 3 of this Act applies.

23 (1.12) A violation or attempted violation of Section  
24 5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
25 Criminal Code of 1961 (permitting sexual abuse) when the  
26 offense was committed on or after August 22, 2002. If the

1 offense was committed before August 22, 2002, it is a sex  
2 offense requiring registration only when the person is  
3 convicted of any felony after July 1, 2011, and paragraph  
4 (2.1) of subsection (c) of Section 3 of this Act applies.

5 (2) A violation of any former law of this State  
6 substantially equivalent to any offense listed in  
7 subsection (B) of this Section.

8 (C) A conviction for an offense of federal law, Uniform  
9 Code of Military Justice, or the law of another state or a  
10 foreign country that is substantially equivalent to any offense  
11 listed in subsections (B), (C), (E), and (E-5) of this Section  
12 shall constitute a conviction for the purpose of this Article.  
13 A finding or adjudication as a sexually dangerous person or a  
14 sexually violent person under any federal law, Uniform Code of  
15 Military Justice, or the law of another state or foreign  
16 country that is substantially equivalent to the Sexually  
17 Dangerous Persons Act or the Sexually Violent Persons  
18 Commitment Act shall constitute an adjudication for the  
19 purposes of this Article.

20 (C-5) A person at least 17 years of age at the time of the  
21 commission of the offense who is convicted of first degree  
22 murder under Section 9-1 of the Criminal Code of 1961, against  
23 a person under 18 years of age, shall be required to register  
24 for natural life. A conviction for an offense of federal,  
25 Uniform Code of Military Justice, sister state, or foreign  
26 country law that is substantially equivalent to any offense

1 listed in subsection (C-5) of this Section shall constitute a  
2 conviction for the purpose of this Article. This subsection  
3 (C-5) applies to a person who committed the offense before June  
4 1, 1996 if: (i) the person is incarcerated in an Illinois  
5 Department of Corrections facility on August 20, 2004 (the  
6 effective date of Public Act 93-977), or (ii) subparagraph (i)  
7 does not apply and the person is convicted of any felony after  
8 July 1, 2011, and paragraph (2.1) of subsection (c) of Section  
9 3 of this Act applies.

10 (C-6) A person who is convicted or adjudicated delinquent  
11 of first degree murder as defined in Section 9-1 of the  
12 Criminal Code of 1961, against a person 18 years of age or  
13 over, shall be required to register for his or her natural  
14 life. A conviction for an offense of federal, Uniform Code of  
15 Military Justice, sister state, or foreign country law that is  
16 substantially equivalent to any offense listed in subsection  
17 (C-6) of this Section shall constitute a conviction for the  
18 purpose of this Article. This subsection (C-6) does not apply  
19 to those individuals released from incarceration more than 10  
20 years prior to January 1, 2012 (the effective date of Public  
21 Act 97-154) ~~this amendatory Act of the 97th General Assembly.~~

22 (D) As used in this Article, "law enforcement agency having  
23 jurisdiction" means the Chief of Police in each of the  
24 municipalities in which the sex offender expects to reside,  
25 work, or attend school (1) upon his or her discharge, parole or  
26 release or (2) during the service of his or her sentence of

1 probation or conditional discharge, or the Sheriff of the  
2 county, in the event no Police Chief exists or if the offender  
3 intends to reside, work, or attend school in an unincorporated  
4 area. "Law enforcement agency having jurisdiction" includes  
5 the location where out-of-state students attend school and  
6 where out-of-state employees are employed or are otherwise  
7 required to register.

8 (D-1) As used in this Article, "supervising officer" means  
9 the assigned Illinois Department of Corrections parole agent or  
10 county probation officer.

11 (E) As used in this Article, "sexual predator" means any  
12 person who, after July 1, 1999, is:

13 (1) Convicted for an offense of federal, Uniform Code  
14 of Military Justice, sister state, or foreign country law  
15 that is substantially equivalent to any offense listed in  
16 subsection (E) or (E-5) of this Section shall constitute a  
17 conviction for the purpose of this Article. Convicted of a  
18 violation or attempted violation of any of the following  
19 Sections of the Criminal Code of 1961:

20 11-14.4 that involves keeping a place of juvenile  
21 prostitution, or 11-17.1 (keeping a place of juvenile  
22 prostitution),

23 subdivision (a) (2) or (a) (3) of Section 11-14.4,  
24 or Section 11-19.1 (juvenile pimping),

25 subdivision (a) (4) of Section 11-14.4, or Section  
26 11-19.2 (exploitation of a child),

1           11-20.1 (child pornography),  
2           11-20.1B or 11-20.3 (aggravated child  
3 pornography),  
4           11-1.20 or 12-13 (criminal sexual assault),  
5           11-1.30 or 12-14 (aggravated criminal sexual  
6 assault),  
7           11-1.40 or 12-14.1 (predatory criminal sexual  
8 assault of a child),  
9           11-1.60 or 12-16 (aggravated criminal sexual  
10 abuse),  
11          12-33 (ritualized abuse of a child);  
12          (2) (blank);  
13          (3) certified as a sexually dangerous person pursuant  
14 to the Sexually Dangerous Persons Act or any substantially  
15 similar federal, Uniform Code of Military Justice, sister  
16 state, or foreign country law;  
17          (4) found to be a sexually violent person pursuant to  
18 the Sexually Violent Persons Commitment Act or any  
19 substantially similar federal, Uniform Code of Military  
20 Justice, sister state, or foreign country law;  
21          (5) convicted of a second or subsequent offense which  
22 requires registration pursuant to this Act. For purposes of  
23 this paragraph (5), "convicted" shall include a conviction  
24 under any substantially similar Illinois, federal, Uniform  
25 Code of Military Justice, sister state, or foreign country  
26 law;

1           (6) convicted of a second or subsequent offense of  
2           luring a minor under Section 10-5.1 of the Criminal Code of  
3           1961; or

4           (7) if the person was convicted of an offense set forth  
5           in this subsection (E) on or before July 1, 1999, the  
6           person is a sexual predator for whom registration is  
7           required only when the person is convicted of a felony  
8           offense after July 1, 2011, and paragraph (2.1) of  
9           subsection (c) of Section 3 of this Act applies.

10          (E-5) As used in this Article, "sexual predator" also means  
11          a person convicted of a violation or attempted violation of any  
12          of the following Sections of the Criminal Code of 1961:

13           (1) Section 9-1 (first degree murder, when the victim  
14           was a person under 18 years of age and the defendant was at  
15           least 17 years of age at the time of the commission of the  
16           offense, provided the offense was sexually motivated as  
17           defined in Section 10 of the Sex Offender Management Board  
18           Act);

19           (2) Section 11-9.5 (sexual misconduct with a person  
20           with a disability);

21           (3) when the victim is a person under 18 years of age,  
22           the defendant is not a parent of the victim, the offense  
23           was sexually motivated as defined in Section 10 of the Sex  
24           Offender Management Board Act, and the offense was  
25           committed on or after January 1, 1996: (A) Section 10-1  
26           (kidnapping), (B) Section 10-2 (aggravated kidnapping),

1 (C) Section 10-3 (unlawful restraint), and (D) Section  
2 10-3.1 (aggravated unlawful restraint); and

3 (4) Section 10-5(b)(10) (child abduction committed by  
4 luring or attempting to lure a child under the age of 16  
5 into a motor vehicle, building, house trailer, or dwelling  
6 place without the consent of the parent or lawful custodian  
7 of the child for other than a lawful purpose and the  
8 offense was committed on or after January 1, 1998, provided  
9 the offense was sexually motivated as defined in Section 10  
10 of the Sex Offender Management Board Act).

11 (E-10) As used in this Article, "sexual predator" also  
12 means a person required to register in another State due to a  
13 conviction, adjudication or other action of any court  
14 triggering an obligation to register as a sex offender, sexual  
15 predator, or substantially similar status under the laws of  
16 that State.

17 (F) As used in this Article, "out-of-state student" means  
18 any sex offender, as defined in this Section, or sexual  
19 predator who is enrolled in Illinois, on a full-time or  
20 part-time basis, in any public or private educational  
21 institution, including, but not limited to, any secondary  
22 school, trade or professional institution, or institution of  
23 higher learning.

24 (G) As used in this Article, "out-of-state employee" means  
25 any sex offender, as defined in this Section, or sexual  
26 predator who works in Illinois, regardless of whether the

1 individual receives payment for services performed, for a  
2 period of time of 10 or more days or for an aggregate period of  
3 time of 30 or more days during any calendar year. Persons who  
4 operate motor vehicles in the State accrue one day of  
5 employment time for any portion of a day spent in Illinois.

6 (H) As used in this Article, "school" means any public or  
7 private educational institution, including, but not limited  
8 to, any elementary or secondary school, trade or professional  
9 institution, or institution of higher education.

10 (I) As used in this Article, "fixed residence" means any  
11 and all places that a sex offender resides for an aggregate  
12 period of time of 5 or more days in a calendar year.

13 (J) As used in this Article, "Internet protocol address"  
14 means the string of numbers by which a location on the Internet  
15 is identified by routers or other computers connected to the  
16 Internet.

17 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;  
18 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;  
19 revised 9-27-11.)

20 (730 ILCS 150/3-6 new)

21 Sec. 3-6. Termination of registration.

22 (a) At any time after sentencing, a person may file a  
23 motion with the sentencing court for removal from the  
24 requirement to register as a sex offender under this Act if he  
25 or she before the effective date of this amendatory Act of the

1 97th General Assembly was convicted of or adjudicated  
2 delinquent for: (1) the offense of criminal sexual abuse under  
3 subsection (b) or (c) of Section 11-1.50 or subsection (b) or  
4 (c) of Section 12-15 of the Criminal Code of 1961 but not under  
5 subsection (a) of Section 11-1.50 or subsection (a) of Section  
6 12-15 of the Criminal Code of 1961 or (2) the offense of sexual  
7 exploitation of a child under Section 11-9.1 of the Criminal  
8 Code of 1961 if under clause (1) or (2):

9 (A) he or she is not more than 4 years older than the  
10 victim;

11 (B) the victim was 14 years of age or older at the time  
12 of the offense; and

13 (C) in the case of clause (2) the conviction is based  
14 on the ages of the defendant and the victim at the time of  
15 the offense and was not based on an element of force or  
16 coercion.

17 (b) The court may only consider the petition if the  
18 petition states and the court finds by a preponderance of the  
19 evidence that:

20 (1) the defendant's conviction is based on the ages of  
21 the defendant and the victim at the time of the offense and  
22 was not based on any element of force or coercion;

23 (2) at the time of the offense, the victim was at least  
24 14 years of age and the defendant was not more than 4 years  
25 older than the victim; and

26 (3) the defendant would have been entitled to an

1 affirmative finding under subsection (g) of Section 5-4-1  
2 of the Unified Code of Corrections.

3 (c) The State's Attorney and the victim must each receive  
4 21 days notice prior to the disposition of the motion and may  
5 present evidence in opposition to the requested relief or  
6 otherwise demonstrate why the motion should be denied.

7 (d) The court may upon a hearing on the petition for  
8 termination of registration, terminate registration if the  
9 court finds that the registrant poses no risk to the community  
10 by a preponderance of the evidence based upon the following  
11 factors:

12 (1) a risk assessment performed by an evaluator  
13 approved by the Sex Offender Management Board;

14 (2) the sex offender history of the registrant;

15 (3) evidence of the registrant's rehabilitation;

16 (4) the age of the registrant at the time of the  
17 offense;

18 (5) information related to the registrant's mental,  
19 physical, educational, and social history;

20 (6) victim impact statements; and

21 (7) any other factors deemed relevant by the court.

22 (e) If the court denies the motion, the offender may not  
23 petition again under this Section for removal from the  
24 requirement to register as a sex offender until 2 years has  
25 elapsed following denial of the motion.

26 (f) If the court grants the motion, and the offender

1 provides the Department of State Police with a certified copy  
2 of the court's order removing the requirement that he or she  
3 register as a sex offender, the registration requirement may  
4 not apply to the person and the Department shall remove all  
5 information about the person from the registry of sex offenders  
6 maintained by the Department.

7 (g) Relief under this Section does not entitle the offender  
8 to expunge or seal information about his or her criminal  
9 history.

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